

2006- 01 -DB

RESOLUTION ESTABLISHING
J. N. KIRKPATRICK
IMPACT DRAINAGE AREA

WHEREAS, the Tippecanoe County Comprehensive Stormwater Management Ordinance as established by Ordinance No. 2005-04-CM authorizes the Tippecanoe County Drainage Board to classify certain geographical areas as Impact Drainage Areas and to enact and promulgate regulations in respect thereto; and

WHEREAS, the Tippecanoe County Drainage Board, pursuant to Resolution 2005-5-DB has designated an Impact Drainage Area pursuant to Chapter 6, Section 8 of the Tippecanoe County Drainage Code known as the J. N. Kirkpatrick Impact Drainage Area; and

WHEREAS, the Tippecanoe County Drainage Board has further found that Upper J.N. Kirkpatrick Regulated Drain, within the J. N. Kirkpatrick Impact Drainage Area is a closed tile system, with no defined overland flow path for surface stormwater runoff. Surface stormwater runoff currently drains to low areas and enters the existing closed tile system as capacity becomes available. During extreme rainfall events, excess surface stormwater runoff is drained by the existing culvert under Concord Road, which was constructed as part of the Lower J.N. Kirkpatrick Regulated Drain Reconstruction. Based on the size of the watershed, the lack of a defined overland flow path for surface stormwater runoff, and the limited capacity of the existing closed tile system, there is not an adequate outlet for the watershed; and

WHEREAS, the Tippecanoe County Drainage Board has found that in order to provide a positive outlet for the Upper J.N. Kirkpatrick Regulated Drain watershed, it is necessary to construct a new conveyance channel extending from Concord Road to approximately C.R. 450 East; that based on detailed studies of the entire J.N. Kirkpatrick Regulated Drain watershed, the post-developed discharge of the Upper J.N. Kirkpatrick Regulated Drain watershed at Concord Road must be limited to 233 cfs, in order to reduce the potential for overbank flooding in the Lower J.N. Kirkpatrick Regulated Drain channel downstream of Concord Road; and that future developments within the Upper J.N. Kirkpatrick Regulated Drain watershed must utilize a release rate of 0.13 cfs/acre; and

WHEREAS, the Tippecanoe County Drainage Board has found and determined that in consideration of the foregoing findings, the conditions for approval of any new business, commercial and industrial development, residential subdivision, planned unit development, and any redevelopment or other new construction located within the J. N. Kirkpatrick Impact Area should be amended as set forth herein.


NOW, THEREFORE, BE IT RESOLVED, that in addition to complying with all other requirements of the Tippecanoe County Drainage Code, any subdivider, property owner, developer, or contractor, as a condition of approval of any new business, commercial and industrial development, residential subdivision, planned unit development, and any redevelopment or other

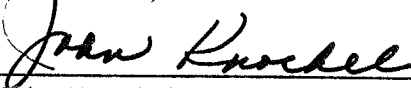
new construction located within the J. N. Kirkpatrick Impact Area shall comply with such further and more restrictive stormwater quantity and quality measures than those set forth in the Tippecanoe County Drainage Code or in the Indiana Stormwater Quality Manual as the Drainage Board may from time to time determine to be required to meet the purposes of the Tippecanoe County Drainage Code, which may include, without limitation thereby, the following:

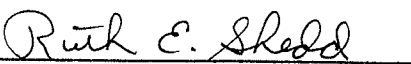
- A. The post-developed discharge of the Upper J.N. Kirkpatrick Regulated Drain watershed at Concord Road must be limited to 233 cfs, in order to reduce the potential for overbank flooding in the Lower J.N. Kirkpatrick Regulated Drain channel downstream of Concord Road;
- B. All future developments within the Upper J.N. Kirkpatrick Regulated Drain watershed must utilize a release rate of 0.13 cfs/acre;
- C. All storm water drainage control systems within the J. N. Kirkpatrick Impact Area may be required to participate in a J. N. Kirkpatrick Regional Detention Basin.
- D. Each storm water drainage system within the J. N. Kirkpatrick Impact Area shall provide a positive outlet to the J. N. Kirkpatrick Legal Drain.
- E. The developer of each storm water drainage control system within the J. N. Kirkpatrick Impact Area shall petition to establish all internal drainage facilities as regulated drains and as condition of approval may be required to waive its right to remonstrate against higher rates for reconstruction thereof.
- F. The developer of each storm water drainage control system within the J. N. Kirkpatrick Impact Area shall as condition of approval consent to such reconstruction of the J. N. Kirkpatrick Legal Drain as may from time to time be required.

PASSED AND ADOPTED THIS 8th day of March, 2006.

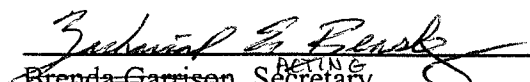
TIPPECANOE COUNTY DRAINAGE BOARD


KD Benson, President


John Knochel


Ruth Shedd

ATTEST:


Brenda Garrison, Secretary
ZACHARIAH BEASLEY,

John Knochel made a motion to grant preliminary approval for TSC South Elementary School subject to conditions listed on the February 24, 2006 Burke memo and the Revised Upper JN Kirkpatrick Regulated Drain Impact Area Resolution as stated by the Surveyor. Ruth Shedd seconded the motion. TSC South Elementary School was granted preliminary approval with conditions as listed on the February 24, 2006 Burke memo and subject to the Revised Upper JN Kirkpatrick Regulated Drain Impact Area Resolution.

Other Business

Assignment of Fortune Park Easement to City of Lafayette

The Surveyor presented an Assignment of Fortune Park Easement to City of Lafayette for the Boards approval. He noted this concerned the Treece Meadows Relief Drain/Wilson Branch of the S.W. Elliott Ditch. The last sentence of the first paragraph stated "This assignment is made subject to the reservation unto the assignors of the proceeds of all assessments related to the *drainage systems and facilities* served by such Drainage Easement, assumption by assignee of all responsibility for maintenance of the Drainage Easement, and assumption by assignee of all other obligations of assignors under the terms of the Drainage Easement accruing after the effective date of this assignment" and should be amended to read "This assignment is made subject to the reservation unto the assignors of the proceeds of all assessments related to the *drainage systems, facilities and watershed* served by such Drainage Easement, assumption by assignee of all responsibility for maintenance of the Drainage Easement, and assumption by assignee of all other obligations of assignors under the terms of the Drainage Easement accruing after the effective date of this assignment."

The Attorney explained this document related to the drainage easement granted to the County in 1991 with the development of Wal-Mart site south of Sam's Club. This was granted at that time with the understanding in the future it could be granted to the City of Lafayette. The City of Lafayette requested the easement at this time as they planned to construct sewer facilities within it. The rights under said easement would be assigned to the City. The County would retain the drainage assessments with respect to the easement within the watershed in order to maintain funding of the Regulated Drain.

John Knochel made a motion to approve the Assignment of Fortune Park Easement to City of Lafayette. Ruth Shedd seconded the motion. The Assignment of Fortune Park Easement to the City of Lafayette was approved with the revision as stated by the Surveyor. The Attorney noted he would make the revision on the document and obtain the additional signatures as required.

Steve Murray

Petition to Establish a New Regulated Drain/Sec 13, 14 23N 3W

The Surveyor noted his office received a Petition to Establish a New Regulated Drain in Section's 13 and 14 Township 23North and Range 3West and located at 1025 East and 100 North, North of Pettit on State Road 26 from Todd Welch. Based on the preliminary analysis of the watershed, approximately 49 percent of the benefited landowners had signed the petition. He recommended the petition be referred to him for a report. The Attorney stated he had reviewed the petition and it met the basic requirements of the statute.

John Knochel made a motion to refer the petition back to the Surveyor for a report. Ruth Shedd seconded the motion. In response to KD's inquiry, the Surveyor estimated it would be at a minimum of six month time frame for his investigation and report to the Board. The Petition to Establish a New Regulated Drain in Sections 13 and 14 Township 23North and Range 3West was referred to the Surveyor for a report.

Revised Resolution #2006-01-DB/Upper JN Kirkpatrick Drainage Impact Area

The Surveyor presented a Revised Resolution of the Upper JN Kirkpatrick Drainage Impact Area for approval. He stated he had met with most of the major property owners within the watershed last October. As a result of that meeting, he asked Dave Eichelberger of Christopher Burke Engineering to prepare technical language to the existing JN Kirkpatrick Drainage Impact Area Resolution#2005-05-DB. The original regional detention concept would cost in excess of 6 million dollars which proved to be too costly. He had agreed to utilize some EDIT monies in developing a new outlet (open ditch) and the developers would provide their own regional detention. He stated this would also reduce the release rates. The Attorney stated this document supplemented the initial resolution which established the impact area and quantified the discharge rates for the Upper JN Kirkpatrick Drain. The post developed discharge rate had to be limited to 233 cfs. This meant each development in the watershed must utilize the release rate of .13cfs per acre to meet the resolution requirements. The remaining 2005 resolution restrictions would be in effect. Although it was unlikely, developers may have to participate in a

regional detention facility if constructed. He noted a developer's internal facilities would have to be established as regulated drains and they would be bound to consent to the reconstruction of JN Kirkpatrick Regulated Drain. In response to KD Benson's inquiry, Dave Eichelberger stated the models had been in place since the mid 1990's for the reconstruction of the lower Kirkpatrick and were revisited for the regional detention preliminary/conceptual plan of the upper portion. The Surveyor stated he had requested specific numbers in this instance. Dave then stated the rate was fairly restrictive however they were based on a detailed setup of an entire watershed. Whereas, allowable release rates within ordinances were generally release rates spread out over an entire county and were not site specific. He pointed out in Hamilton and Hancock County the studies were completed with gage streams data. The release rates were as low as .05, .07 and .09 cfs per acre. In response to Pat Jarboe's (attendee) inquiry, Dave stated .13cfs related to a 100 year storm event as he did not have numbers for the 10 year. They had concentrated on the 100 year storm event only. The Surveyor noted Christopher Burke was in the process of remodeling the channel. They would provide that information at time of completion.

John Knochel made a motion to approve the Resolution #2006-01-DB/ Establishing the Upper JN Kirkpatrick Regulated Drain a Drainage Impact Area. Ruth Shedd seconded the motion. Resolution 2006-01-DB Establishing the Upper JN Kirkpatrick Regulated Drain a Drainage Impact Area was approved as presented.

Resolution 2006-02-DB/Establishing the Fred Haffner Regulated Drain a Drainage Impact Area

The Surveyor presented Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area for approval. He noted this would affect the TSC North (aka Battleground) M.S. project while adding the drain had an inadequate outlet. He recommended the impact area cover the entire watershed. One of the reasons to declare this watershed an impact area was the high cost involved with construction of a positive outlet. The Surveyor felt it fair that all future developments within the watershed share a prorated cost for the said outlet. The Attorney reiterated in order to provide a positive outlet it was necessary to improve that drain. Construction of a new regulated drain crossing at County Road 600 North was planned. Tippecanoe School Corporation would make the improvements. One of the conditions which may be imposed within that watershed would be a new development could be required to pay their prorated share (determined by the Drainage Board) of TSC's costs for construction of said improvements. As a secondary condition, each newly constructed drainage system within the watershed would have to provide a positive outlet to the Haffner Regulated Drain. The present conditions relate to information at hand. In the future additional conditions may be imposed as information becomes available.

John Knochel made a motion to approve Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area. Ruth Shedd seconded the motion. Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area was approved as presented.

Resolution 2006-03-DB/ Julius Berlovitz Regulated Drain Drainage Impact Area

The Surveyor presented Resolution 2006-03-DB Establishing the Julius Berlovitz Regulated Drain a Drainage Impact Area. He noted this had been discussed by the Board in the past and the Board was familiar with the watershed. A regional detention concept final plan was complete. He reviewed A.B.C. and D. of the resolution stating the conditions: A. All stormwater drainage control systems within the Berlovitz Impact Area shall participate in the Berlovitz *legal drain*. B. Each Storm water drainage system within the Berlovitz Impact Area shall provide a positive outlet to the Berlovitz Regional Detention Basin. C. The developer of each storm water drainage control systems within the Berlovitz Impact Area shall petition to establish all internal drainage facilities as regulated drains and as condition of approval may be required to waive its right to remonstrate against higher rates for reconstruction thereof. D. The developer of each storm water drainage control system within the Berlovitz Impact Area shall, as condition of approval, consent to such reconstruction of the Julius Berlovitz Legal Drain as may from time to time be required. The Surveyor stated condition A should be revised as follows: A. All Stormwater drainage control systems within the Berlovitz Impact Area shall participate in the Berlovitz Regional Detention Basin. John Knochel made a motion to approve Resolution #2006-03-DB establishing the Berlovitz Drainage Impact Area with the revision as noted by the Surveyor. Ruth Shedd seconded the motion. Resolution #2006-03-DB Establishing the Julius Berlovitz Drainage Impact Area was approved with the revision as noted by the Surveyor. The Attorney will provide a revised document for the Board's signatures.